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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,941	07/07/2003	Gregory M. Suggs	KMC-587	9269
7590		11/02/2005		
Darrell F. Marquette				
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			EXAMINER	
			LARSON, JUSTIN MATTHEW	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,941	<b>Applicant(s)</b> SUGGS, GREGORY M.	
	<b>Examiner</b> Justin M. Larson	<b>Art Unit</b> 3727	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12,13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12,13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/7/03</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 7/7/03 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***35 USC § 112, 6<sup>th</sup> Paragraph***

2. Claims 9 and 10 are written in "means plus function" form and since they meet the analysis set forth in MPEP 2181, the Examiner assumes that applicant wishes to invoke 35 USC § 112, paragraph 6. Only the first "means" clause of claim 10, found in line 6, meets the analysis set forth in MPEP 2181.

3. Claim 10 attempts to use a second "means" clause in line 8 to recite a claim element as a means for performing a specified function, however, since this language does not meet the analysis set forth in MPEP 2181, i.e. "means for" or "step for" is not being used, or no function is set forth, or too much structure is set forth, the Examiner assumes that applicant does not wish to invoke 35 USC § 112, paragraph 6.

### ***Claim Objections***

4. Claim 6 is objected to because of the following informalities: There is no period to end the sentence of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (6,415,919) in view of Nagasawa et al. (5,411,194). Keller discloses a golf bag (10) comprising: a generally tubular body (14) attached at one end thereof to a top member (18) and at the other end thereof to a bottom member (12); a shoulder strap (20) having an upper end located near the top member and having a lower end located intermediate the top and bottom members; but fails to disclose a mechanism for urging the shoulder strap into a retracted position and for allowing movement of the shoulder strap from the retracted position into an extended position; and a mechanism including an elastic cord connected to the upper end of the shoulder strap.

Nagasawa et al., however, discloses a shoulder strap (12) for a golf bag with an upper portion, or upper half, comprising (42, 12, 44, & 50), that is coupled to elastic cords (34, 36, 38, 40) and teaches that using such a shoulder strap when carrying a golf bag provides resistance to reduce the bouncing action of a loaded bag (col. 1 lines 13-16) while allowing the shoulder strap to extend and retract. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the shoulder strap of Kwon with one having an elastic cord attached thereto, such as that taught by Nagasawa et al., in order to make the golf bag more comfortable for a golfer to wear on their shoulder.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller in view of Nagasawa et al., and further in view of Zingale (5,072,867) and Johnston (3,995,802). Keller in view of Nagasawa et al. discloses the claimed golf bag with a

retractable strap except for the mechanism comprising an anchor for connecting the elastic cord to the bottom member of the golf bag.

Zingale and Johnston, however, teach alternative ways to implement a retractable shoulder strap on a golf bag or a suitcase. Both Zingale and Johnston teach that a retractable mechanism (64&34, respectively) can be mounted or anchored inside of the bag; Zingale teaches the mechanism mounted or anchored to the bottom portion of the bag (Figure 3) and Johnston teaches the mechanism mounted or anchored at a higher location, level with the point at which the shoulder strap is mounted to the exterior of the bag (Figure 2), although it could be argued that the mechanism is still mounted to the bottom portion of the bag to the degree that the wall structure to which the mechanism is mounted connects to the bottom portion of the bag, effectively anchoring the mechanism to the bottom portion. Zingale and Johnston then teach that the shoulder straps (62&19, respectively) have one end attached to the exterior of the bag (60&25, respectively) while the other end is passed through an opening in the exterior of the bag (55 - Zingale, entrance to channel 33 - Johnston) and is then fed along the interior of the bag and connected to the retracting mechanism, allowing the shoulder strap on the exterior of the bag to be pulled into an extended position and also returned to a retracted position.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the golf bag of Keller in view of Nagasawa et al. by implementing an interior retractable mechanism, as taught by Zingale and Johnston, and anchoring the mechanism to the bottom portion of the bag, as clearly

taught by Zingale alone, in order to provide a retractable strap on the exterior of the golf bag. Keeping the retracting mechanism inside of the bag also reduces clutter on the exterior of the bag.

Now, Zingale and Johnston use a spring-loaded retractor (64) and a spring (35), respectively, rather than an elastic cord. A spring-loaded retractor, spring, and elastic cord, however, each allow the shoulder strap to be pulled into an extended position and then released back into a retracted position. No matter which of these art equivalent retracting mechanisms is implemented inside the golf bag, the shoulder strap will be retractable on the exterior of the bag.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the elastic cord of Nagasawa et al., an art equivalent retracting mechanism, in place of the spring-loaded retractor of Zingale or the spring of Johnston, in order to provide a retractable strap on the exterior of the golf bag. (Note: the coupling between (54) and the loop shown attached to the bag surface of Nagasawa et al. could be maintained and used to anchor the elastic cord to the bottom portion, as this would not inhibit the design's functionality.)

8. Claims 4-6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 3 above in view of Siegert et al. (4,508,202). The art as applied to claim 3 above discloses the claimed invention except for the mechanism further comprising a ring for connecting the elastic cord to an extension on the shoulder strap upper end.

Siegert et al., however, discloses a similar retracting mechanism that allows a strap to be extended and retracted from the side of a suitcase, where a retracting mechanism (9) is anchored on the interior of the suitcase (Figure 3) and a strap (5) is fed through an opening (37) in the exterior of the suitcase, connected to the retracting mechanism, and then connected to another location on the interior of the suitcase (4&27, Figure 3). Siegert et al. teaches that a ring (8) can be used to connect the strap to the retracting mechanism, where the strap is fed through the ring and then fed upward to be connected to the interior of the suitcase.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the elastic cord and shoulder strap of the art as applied to claim 3 above using a ring, as taught by Siegert et al., feeding the strap through the ring and reattaching the strap to another interior location, such as the top member of the golf bag, also as taught by Siegert et al., in order to provide a retractable strap on the exterior of the bag using a method already known in the art.

Regarding the limitations set forth in claim 6, the golf bag of Keller is already shown to have openings in the top member through which the shoulder straps protrude (Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to maintain this design rather than to create unnecessary openings elsewhere on the bag's exterior.

9. Claims 7-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 4-6 and 12 above in view of Robinson (5,489,051). The art as applied to claims 4-6 and 12 above discloses the claimed invention except for the

anchor being releasable so that the elastic cord may be released from the anchor and the mechanism may be deactivated, the anchor comprising a pair of strips with overlapping end portions that are releasably held together, and a releasable fastener means on the overlapping end portions of the strips.

Robinson, however, teaches that it is old and well known in the art to use strip with overlapping end portions that are releasably held together by a releasable fastener means. Robinson uses the releasable strip to hold or anchor one structure to another. Robinson, in particular, uses a strip mounted to a surface that is shown to releasably anchor a ring thereto (Figure 6). Robinson shows the ring held in only one half of the hook-and-loop strip, but looking at (Figure 1), it is clear that the portion of the strip below the rivet could be overlapped onto the portion above the rivet and still anchor the ring in a similar fashion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pair of strips with hook-and-loop fasteners on their overlapping portions, as taught by Robinson, to anchor the coupling member (54) of the elastic cord of Nagasawa et al. to the bottom portion of the golf bag in order to allow the golfer to easily remove and replace the cord in the event that it breaks.

Regarding the limitations set forth in claim 8, Robinson discloses the claimed invention except for the strip actually being a pair of strips. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strip out of two pieces, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*,



168 USPQ 177, 179. Using two strips, or even just breaking the single strip into two halves, and mounting the strips or strip halves to the surface would in no way inhibit the function of the design.

**Conclusion**


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML

  
JES F. PASCUA  
PRIMARY EXAMINER